



33 East Main Street
Suite 500
Madison, WI 53703-3095

Mailing Address:

P.O. Box 2038
Madison, WI 53701-2038

Phone:

608.257.7181

Fax:

608.257.2508

www.murphydesmond.com

William E. Morgan
Direct Line 608.268.5576
Facsimile 608.257.2508
wmorgan@murphydesmond.com

11 April 2013

Mr. Erich Schmidtke
Wisconsin Department of Administration
Division of Intergovernmental Relations
101 East Wilson Street 9th Floor
PO Box 1645
Madison, WI 53701-1645

Re: Village of Holmen Annexation Ordinance 4-2013

Dear Mr. Schmidtke:

Please find enclosed our annexation review form together with our fee for this review. As you know, we have previously provided you with the annexation ordinance adopted by the Village of Holmen and that this request is pursuant to § 66.0217(6)(d) Wis. Stats. Please advise if there is anything further we need to provide. If you have any questions or concerns please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Morgan", written over a horizontal line.

William E. Morgan

WEM:rlc

18587.131632

DOA It2

Enclosures

cc: Mr. Rolly Bogert (via e-mail)

Ms. Angela Hornberg

4828-1568-3091, v. 1

Request for Annexation Review

Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703

Wisconsin Department of Administration

608-264-6102 Fax: 608-267-6917
wimunicipalboundaryreview@wi.gov

Petitioner Information

Name: Town of Onalaska

Address: W705 2nd Street

Onalaska, WI 54650

Email: Melissa.erdman@townofonalaska.org

Office use only:

1. Town where property is located: Onalaska
2. Petitioned City or Village: Holmen
3. County where property is located La Crosse County
4. Population of the territory to be annexed 0
5. Area (in acres) of the territory to be annexed Approx. 20
6. Tax parcel number(s) of territory to be annexed unknown
(if the territory is part or all of an existing parcel)

608-783-4957
Petitioner's phone #

same
Town Clerk's phone #

608-526-6302
City/Village Clerk's phone #

Contact Information if different than petitioner:

Representative's Name and Address:

Attorney William E. Morgan

Murphy Desmond SC

PO Box 2038, Madison, WI 53701-2038

Phone 608-257-7181

E-mail wmorgan@murphydesmond.com

Surveyor or Engineering Firm's Name and Address:

Phone _____

E-mail _____

Required Items to be provided with submission (to be completed by petitioner):

1. Legal Description meeting the requirements of s.66.0217 (c) [see attached annexation guide]..... X
2. Map meeting the requirements of s. 66.0217 (g) [see attached annexation guide]..... X
3. Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - Unanimous per s. 66.0217 (2), or,.....
 - Direct by one-half approval per s. 66.0217 (3).....
5. Check or money order covering review fee [see reverse for fee calculation] X

33 East Main Street
Suite 500
Madison, WI 53703-3095

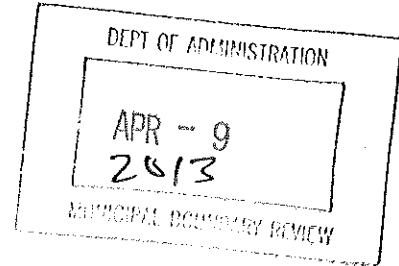
Mailing Address:
P.O. Box 2038
Madison, WI 53701-2038

Phone:
608.257.7181

Fax:
608.257.2508

www.murphydesmond.com

William E. Morgan
Direct Line 608.268.5576
Facsimile 608.257.2508
wmorgan@murphydesmond.com



8 April 2013

Wisconsin Department of Administration
PO Box 1645
Madison, WI 53701

Re: Village of Holmen Annexation Ordinance 4-2013

Dear Sir or Madam:

The Town of Onalaska has become aware of the attached annexation ordinance which was adopted on March 14, 2013 and apparently filed with the Secretary of State's Office on March 21, 2013. Pursuant to § 66.0217(6)(d), the Town hereby requests that the Department review this annexation to determine whether or not the annexation violates the Rule of Contiguity.

As you know, this review is to be conducted within 20 days of the Town's request. If you should have any questions or concerns regarding this request please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Morgan", written over a horizontal line.

William E. Morgan

WEM:rlc
18587.131632
DOA It

cc: Mr. Rolly Bogert (via e-mail)
Ms. Angela Hornberg

4828-8075-7523, v. 1

The State of Wisconsin

Office of the Secretary of State

V410

VILLAGE OF HOLMEN

LA CROSSE COUNTY

ANNEXATION ORDINANCE 4-2013

Filed MARCH 21, 2013

Village of Holmen



DEAN OLSON, P.E.
Director of Public Works
(608) 526-6322

MICHAEL BROGAN
Director of Parks & Recreation
(608) 526-6318

ANGELA HORNBERG
Clerk / Treasurer
(608) 526-6302

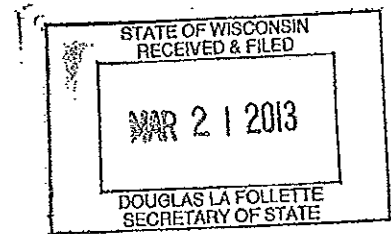
421 S. Main Street
P.O. Box 158
Holmen, Wisconsin 54636-0158

NANCY J. PROCTOR
Village President
(608) 526-6307

SCOTT HEINIG
Administrator
(608) 526-6305

March 19, 2013

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison, WI 53707-7848



RE: Annexation to the Village of Holmen

MBR # 13650

I, Angela A. Hornberg, hereby certify that I am the duly appointed qualified Clerk of the Village of Holmen, La Crosse County, Wisconsin, a municipal corporation, and as such official I am the legal custodian of all papers and records of said Village. I further certify that I have compared the attached Ordinance #4-2013 (containing a population of zero), an ordinance annexing property to the Village of Holmen with the original in my possession and that the same is a true and correct copy thereof.

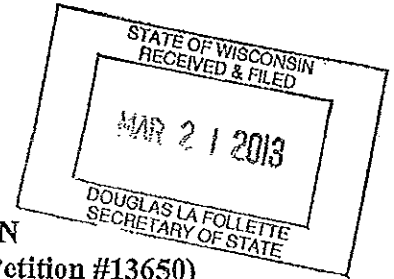
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Village of Holmen, Wisconsin, this 19th day of March 2013.

Angela A. Hornberg, Clerk-Treasurer

(seal)

Cc: Town of Onalaska Clerk
School District of Holmen Clerk
Local Utilities

VILLAGE OF HOLMEN
LA CROSSE COUNTY, WISCONSIN
ORDINANCE 4-2013
AN ORDINANCE ANNEXING CERTAIN
TERRITORY INTO THE VILLAGE OF HOLMEN (Petition #13650)



BE IT ORDAINED by the Village Board of Trustees, Village of Holmen, La Crosse County, Wisconsin as follows:

Section 1.

JUSTIFICATION FOR ANNEXATION, of such action being in the public's interest:

Whereas, the Village of Holmen received a petition for annexation by the Apostolic Life Church, with the intent to detach certain property from the Town of Onalaska for the purpose of seeking services, zoning and utilities that can only be provided by the Village; and

Whereas, the proposed annexation would begin to reduce the size of an unincorporated area that is, in part, nearly surrounded by the Village of Holmen, and is in keeping with the natural growth patterns of the Village in that area; and

Whereas, the proposed annexation is consistent with the South Holmen Drive Corridor Plan, a regional planning document that the Village of Holmen developed in partnership with the Town of Onalaska, for the purpose of ensuring logical and harmonious development patterns, that shall eventually create one contiguous, connected, identified community, with a discernible "community edge," that identifies where one community begins and the other ends; and

Whereas, both Village and Town officials in early 2011, participated in the creation of the South Holmen Drive Corridor Plan, and agreed upon an established "potential cooperative boundary line," to foster dialogue on where annexations should occur and should not occur, with the purpose of eliminating the current jagged municipal boundaries along the corridor that present significant challenges for efficient service delivery; and

Whereas, the proposed Apostolic Life Church annexation is located within both the "South Holmen Drive Corridor Plan Study Area" and the "potential cooperative boundary line," thus under mutual agreement through the development of the Plan, officials from both parties identified this area as best served in the Village of Holmen following annexation; and

Whereas, the Village of Holmen adopted and incorporated the South Holmen Drive Corridor Plan as a plan component of its Comprehensive Plan on May 10, 2012; and

Whereas, the Village of Holmen intends to continue its partnership with the Town of Onalaska and work toward adoption of a mutually acceptable boundary agreement that is in keeping with the intent of the South Holmen Drive Corridor Plan and previously agreed "potential cooperative boundary line," as it relates to southern Holmen; and

Whereas, the Village of Holmen finds that the proposed Apostolic Life Church annexation is in the public's best interest.

Section 2.

NOW THEREFORE, BE IT ORDAINED, pursuant to Section 66.0217(2) of the Wisconsin Statutes and the petition of Apostolic Life Church, for annexation (Petition #13650) as filed with the Village of Holmen, that certain territory be annexed to the Village of Holmen, La Crosse County, and detached from the Town of Onalaska, La Crosse County, by direct annexation as provided by the Wisconsin Statutes 66.0217(2).

That such territory, as petitioned for annexation, and as described on the attached legal description, Exhibit A, and as shown on the attached scale map, Exhibit B, and as reviewed by the Wisconsin Department of Administration, and as is consistent with the South Holmen Drive Corridor Plan (a component of the Village of Holmen Comprehensive Plan), shall be immediately annexed to the Village of Holmen.

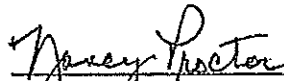
The population of the territory to be annexed is zero (0).

BE IT FURTHER ORDAIN, that the Zoning Classification for this newly annexed parcel shall be R-5 Multiple-Family Residential District; with the existing religious facility permitted as a conditional use of the R-5 District, and shall be governed by the Holmen Zoning Ordinance.


Section 3.

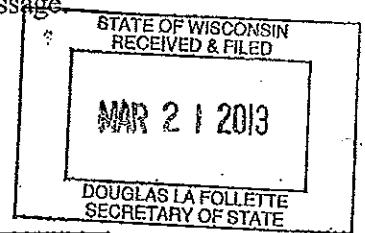
Adopted and passed by a vote of 7-0 of the Village Board, at a Regular Village Board meeting on March 14, 2013. This Ordinance shall become effective on the date of passage.

VILLAGE OF HOLMEN

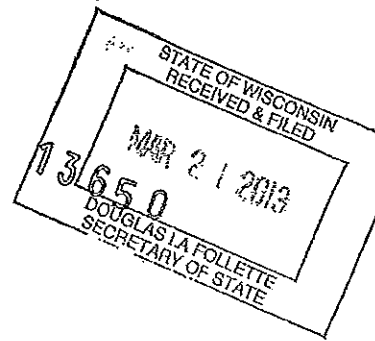


Nancy Proctor, Village President


Angela Hornberg, Clerk/Treasurer



"Exhibit A"

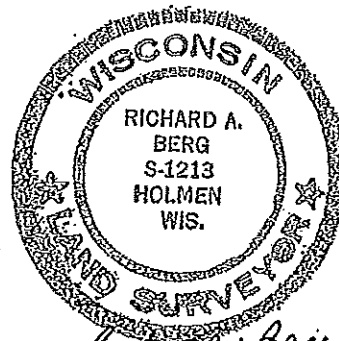


PARCEL TO BE ANNEXED TO THE VILLAGE OF HOLMEN

DESCRIPTION

Part of the NE1/4 of the SE1/4, and part of the SE1/4 of the NE1/4, and part of the SW1/4 of the NE1/4, and part of the NW1/4 of the NE1/4, and part of the NE1/4 of the NE1/4 of Section 19, T17N, R7W, described as follows: Commencing at the East Quarter Corner of Section 19, T17N, R7W, as the point of beginning of this description; Thence S02°37'04"W, 300.00 feet along the east line of the NE1/4 of the SE1/4 of said Section 19, to the northeast corner of the recorded subdivision plat of WALDEN ACRES ADDITION; Thence S89°55'23"W, 907.73 feet along the north line of WALDEN ACRES ADDITION, and the westerly extension thereof, to the centerline of State Road 35; Thence N12°58'06"W, 2534.15 feet along said centerline, to the southwesterly right-of-way line of U.S. Highway 53; Thence N75°06'26"W, 688.75 feet along said southwesterly right-of-way line; Thence N74°44'41"W, 86.43 feet along said southwesterly right-of-way line; Thence N40°43'52"W, 363.20 feet along said southwesterly right-of-way line, to the north line of the NW1/4 of the NE1/4 of Section 19, T17N, R7W; Thence S89°53'10"E, 1270.45 feet along said north line, to the northeast corner of the NW1/4 of the NE1/4 of Section 19, T17N, R7W; Thence S02°20'03"W, 514.53 feet along the east line of the NW1/4 of the NE1/4 of said Section 19, to the southerly right-of-way line of U.S. Highway 53; Thence S62°49'27"W, 152.04 feet along said southerly right-of-way line, to the easterly right-of-way line of State Road 35; Thence S12°56'16"E, 98.17 feet along said right-of-way line; thence S77°01'54"W, 30.00 feet along said right-of-way line; Thence S12°58'06"E, 2007.56 feet along said easterly right-of-way line of State Road 35, to the south line of the SE1/4 of the NE1/4 of Section 19, T17N, R7W; Thence N89°55'23"E, 918.61 feet along said south line, to the East Quarter Corner of Section 19, T17N, R7W, and the point of beginning of this description.

Drafted By: Richard A. Berg PLS #1213



Richard A. Berg
1-14-2013

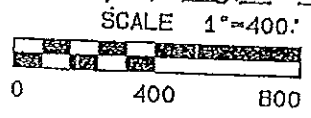
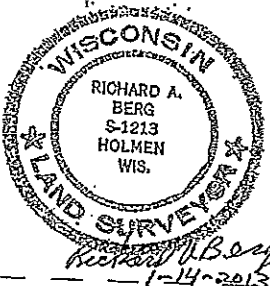
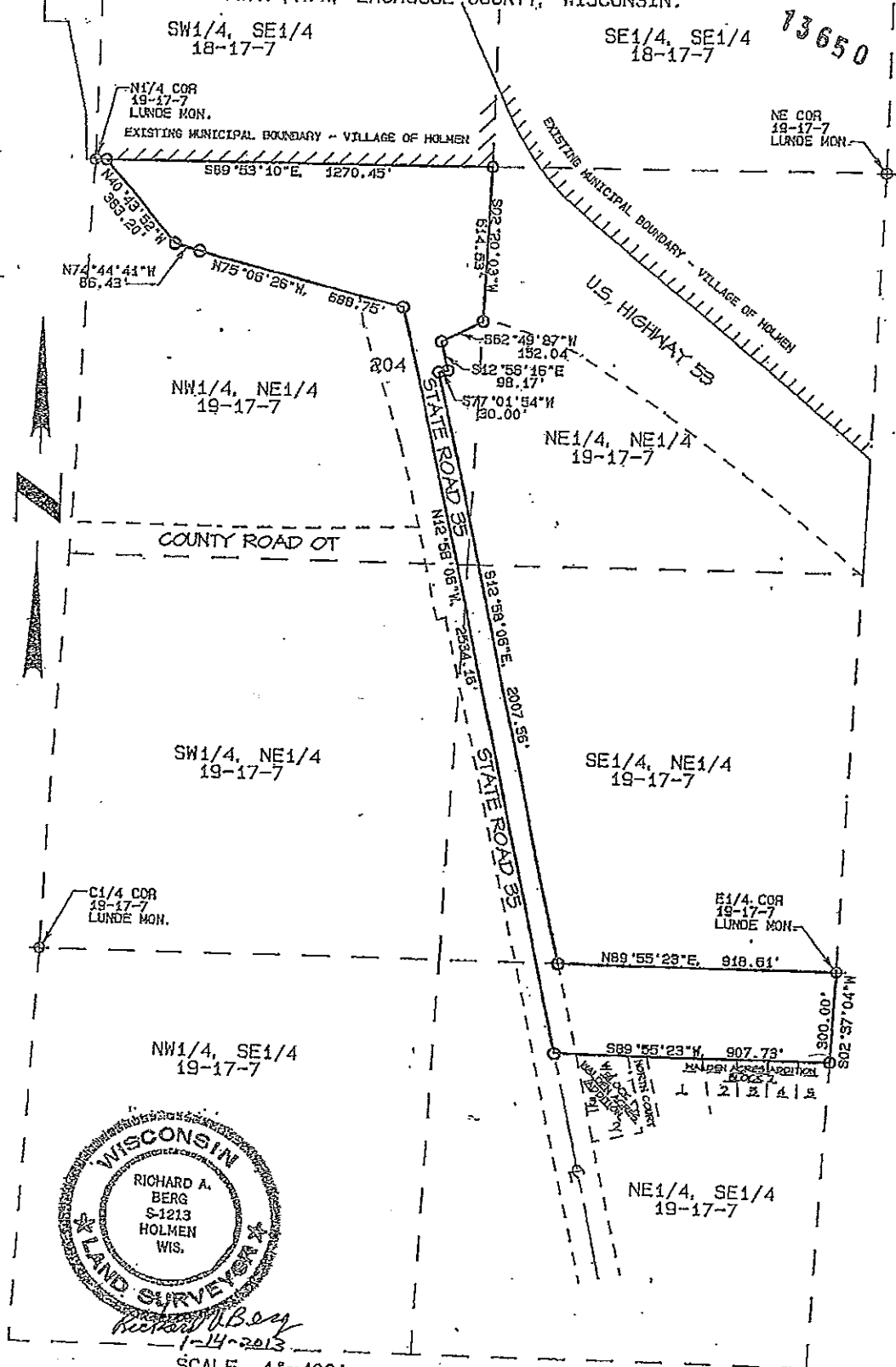
ANNEXATION MAP "Exhibit B"

PROPERTY TO BE ANNEXED TO THE VILLAGE OF HOLMEN
 LOCATED IN THE NE1/4 AND THE SE1/4 OF SECTION 19,
 T17N, R7W, LACROSSE COUNTY, WISCONSIN.

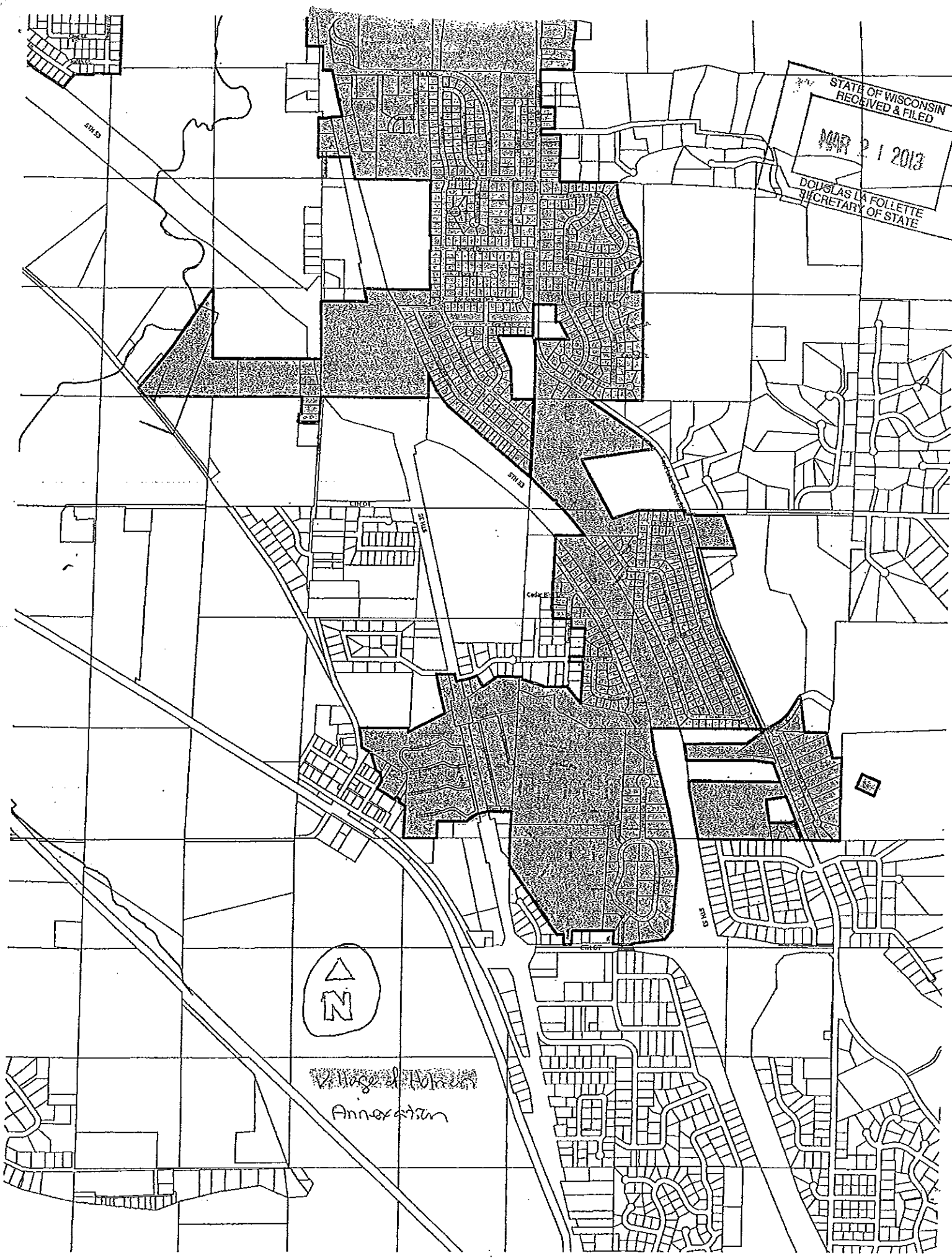
STATE OF WISCONSIN
 RECEIVED & FILED

MAR 21 2013

DOUGLAS LA FOLLETTE
 SECRETARY OF STATE



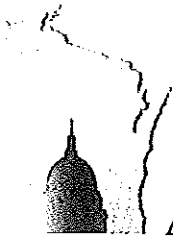
DRAFTED BY:
 RICHARD A. BERG, PLS#1213
 BERG ENTERPRISES
 300 STATE ST. - PO BOX 625
 HOLMEN, WI 54636



STATE OF WISCONSIN
RECEIVED & FILED
MAR 21 2013
DOUGLAS LA FOLLETTE
SECRETARY OF STATE



Village of Home
Annexion



WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR
MIKE HUEBSCH
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

April 19, 2013

PETITION FILE NO. 13650

SUE SCHULTZ, CLERK
TOWN OF ONALASKA
W7052 SECOND ST
ONALASKA, WI 54650

Subject: Village of Holmen Annexation Ordinance 4-2013

On April 9, 2013 the Department received a request from the Town of Onalaska to review an annexation ordinance that was adopted by the Village of Holmen on March 14, 2013. The Department finds that this annexation is not contiguous with the Village of Holmen.

In determining whether an annexation ordinance complies with s. 66.0217(6)(d), Wis. Stats., the Department considers:

- 1) Contiguity requirement - the annexation territory must be contiguous to the annexing city or village.
- 2) Same-County requirement – if no part of the annexing city or village is located within the same county as the annexation territory, then the town board whose territory is being annexed must first adopt a resolution approving the proposed annexation.

The Department finds that the Village of Holmen Annexation Ordinance 4-2013 meets the same-county requirement but does not meet the contiguity requirement.

The Department reviewed the petition for this annexation according to its review authority under s. 66.0217(6) Wis. Stats. The Department issued its determination letter on February 11th, 2013 finding the petition to be *Against the Public Interest* because the annexation was found to be a 'Balloon-on-a-String' type of configuration which is irregular in shape and not contiguous to the Village of Holmen.

As was noted in the February 11th determination letter, the configuration of the annexation territory constitutes a 'Balloon-on-a-String' configuration, which in this case is established by the fact that the parcel owned by the petitioners is connected to the annexing city or village only via narrow road right-of-way using State Road 35. The Wisconsin Supreme Court in *Mt. Pleasant v. Racine*¹ found that connection to the annexing city or village only via a string of right-of-way does not constitute contiguity as required by the statute. In discussing the problematic nature of Balloon-on-a-String configurations, the Supreme Court wrote:

The legal as well as the popular idea of a municipal corporation in this country, is that of oneness- a collective body, not several bodies. So, as to territorial extent, the idea of a city is one of unity, and not plurality; of compactness or contiguity; not separation or segregation... The tendency of subdividers to reach far out into the countryside for vacant land, and their desire to attach it to the city of services, is natural; however, this can lead to annexations which in reality are no more than isolated areas connected by means of a technical strip a few feet wide. Such a result does not coincide with

¹ *Mt. Pleasant v. Racine*, 24 Wis. 2d 41 (1963).

legislative intent, and tends to create crazy-quilt boundaries which are difficult for both city and town to administer.²

As the Department mentioned in its February 11th 2013 letter, the shape of this annexation and its connection to the Village could be greatly improved by including additional lands immediately to the north which could have the effect of making this annexation compact and rational.

Another alternative is for the Village and Town to develop a boundary agreement between themselves to address how this shared boundary line will eventually be made clear, compact, and orderly. Reviewing and approving boundary agreements is another function of this Department, therefore Department staff would be available to answer any questions regarding boundary agreement requirements or process, or any other technical assistance.

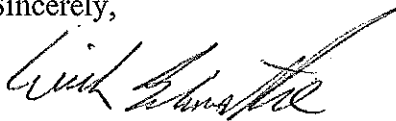
Although the Department's finding is merely advisory, because the Department finds this annexation ordinance to violate the contiguity requirement, s. 66.0217(6)(d)2, Wis. Stats. indicates that the Town of Onalaska is now eligible to contest the validity of this annexation ordinance in circuit court, and has 45 days in which to exercise that option. If the Town of Onalaska does in fact decide to contest this annexation in court, the Department reminds the Village of Holmen of its statutory obligation to file notice of the pending litigation with the Secretary of State's Office, as required by s. 66.0231 Wis. Stats. Please also include the MBR number with your filing as this assists with record keeping. Your MBR number is: 13650

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation ordinance review.

Sincerely,



Erich Schmidtke, Municipal Boundary Review

Cc: Apostolic Life Church, Petitioners
Angela Hornberg, Village of Holmen Clerk

² *Mt. Pleasant v. Racine*, 24 Wis. 2d 41, 46 (1963).